

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JEAN SCHLACHER, ALFRED SCHLACHER,	)	
and TERI SCHLACHER,	)	
	)	08 C 2844
Plaintiffs,	)	
	)	Judge Shadur
v.	)	
	)	Magistrate Judge Nolan
LAW OFFICES OF PHILLIP J. ROTCHE &	)	
ASSOCIATES, P.C.	)	
	)	
Defendant,	)	

**PLAINTIFF ALFRED SCHLACHER'S  
ACCEPTANCE OF DEFENDANT'S RULE 68 OFFER OF JUDGMENT**

NOW COMES, Plaintiff Alfred Schlacher ("Plaintiff Alfred") individually, by and through his counsel and gives written notice of his acceptance of Defendant Law Office of Phillip J. Rotche & Associates, P.C. ("Rotche") Rule 68 Offer of Judgment, as to him alone, as follows:

1. Plaintiff Alfred accepts, individually, \$1,000 in statutory damages as provided for in paragraph 1 of Rotche's Rule 68 Offer of Judgment.
2. Plaintiff Alfred accepts, individually, reasonable attorney's fees and costs incurred as of the date of the offer to be determined by the Court in paragraph 2 of Rotche's Rule 68 Offer of Judgment.
3. Paragraph 3 of Rotche's Rule 68 Offer of Judgment states, "This offer of judgment is made solely for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission that the defendant is liable in this action, that the plaintiffs have suffered any damage, or for any other reason."

4. “Plaintiffs who accept Rule 68 offers accept the *money*, not the defendants’ self-serving characterizations.” *Fletcher v. City of Fort Wayne*, 162 F.3d 975, 977 (7th Cir. 1998) (original emphasis) (rejecting the defendant’s argument that, “This offer is not to be construed as an admission that the Defendants are liable in this action or that Plaintiff suffered any damages” as the “magic words that preclude awards of attorneys’ fees. . .”).

5. A copy of Rotche’s Rule 68 Offer of Judgment is attached hereto as Appendix 1.

**WHEREFORE**, Plaintiff Alfred requests:

- a. That the Clerk of the Court to enter a Judgment in this matter against Defendant Rotche and for Plaintiff Alfred in the amount of \$1,000; and
- b. For the Court to determine and enter an award of reasonable attorney’s fees and costs as to the prosecution of Plaintiff Alfred’s claims.

Respectfully submitted,

s/ Curtis C. Warner  
Curtis C. Warner

Curtis C. Warner  
Warner Law Firm, LLC  
155 N. Michigan Avenue, Suite 737  
Chicago, Illinois 60601  
(312) 238-9820 (TEL)

# **APPENDIX 1**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Jean Schlacher, Alfred Schlacher and Teri  
Schlacher,

Plaintiffs,

v.

Law Offices of Phillip Rotche & Associates,

Defendant.

Case No. 08 CV 2844

Judge Shadur  
Magistrate Judge Nolan

**OFFER OF JUDGMENT**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant, Law Offices of Phillip Rotche & Associates, P.C., by its attorneys, David M. Schultz and Corinne C. Heggie, hereby offers to allow judgment to be entered against it in this action, as follows:

1. On the complaint, plaintiff Jean Schlacher, individually, to recover \$2,000.00 in statutory and actual damages, plaintiff Alfred Schlacher, individually, to recover \$1,000 in statutory damages and plaintiff Teri Schlacher, individually, to recover \$1,500 in statutory and actual damages.

2. On the complaint, plaintiffs Jean Schlacher, Alfred Schlacher and Teri Schlacher to recover reasonable attorneys fees and costs incurred to date to be determined by the Court.

3. This offer of judgment is made solely for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission that the defendant is liable in this action, that the plaintiffs have suffered any damage, or for any other reason.

4. If this offer is not accepted as provided by Rule 68, it shall be deemed withdrawn and evidence thereof shall not be admissible except in the proceeding to determine costs.

5. If the judgment finally obtained by the plaintiffs is not more favorable than the offer, the plaintiffs must pay the costs incurred after the making of the offer.

6. This offer remains open for the ten (10) day period of time provided for in Fed.R.Civ.P. 68, as calculated by the Federal Rules of Civil Procedure.

THE LAW OFFICE OF PHILLIP ROTCHE  
& ASSOCIATES, P.C.

By: Corinne C. Heggie  
One of the attorneys for the Defendant

David M. Schultz  
Corinne C. Heggie  
HINSHAW & CULBERTSON LLP  
222 North LaSalle Street, Suite 300  
Chicago, Illinois 60601-1081  
312/704-3000

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
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JEAN SCHLACHER, ALFRED SCHLACHER,	)	
and TERI SCHLACHER,	)	
	)	08 C 2844
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LAW OFFICES OF PHILLIP J. ROTCHE &	)	
ASSOCIATES, P.C.	)	
	)	
Defendant,	)	

**CERTIFICATE OF SERVICE**

I, Curtis C. Warner, hereby certify that on July 30, 2008, I filed electronically

**Plaintiff Alfred Schlacher's Acceptance of Defendant's Rule 68 Offer of Judgment** using the Court's CM/ECF system, which automatically will send notice to those parties who have appeared and are so registered to the following:

David M. Schultz  
Corinne C. Heggie  
Hinshaw & Culbertson LLP  
222 No. LaSalle St., Ste. 300  
Chicago, IL 60601-1081

Respectfully submitted,

s/ Curtis C. Warner  
Curtis C. Warner

Curtis C. Warner  
Warner Law Firm, LLC  
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